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Voluntary Public

Date: 10/12/2010

GAIN Report Number: TH0144

Thailand

Post: Bangkok

Thai FDA Revising Yeast and Mold Level in Foods

Report Categories:

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

The Thai FDA notified to the WTO (G/SPS/N/THA/191, 192, 193, 31/Rev.1, 33/Rev.1, and 34/Rev.1) on September 28-29, 2010 regarding the revised yeast and mold level in foods. The revision targets six food categories: beverages in sealed containers, coffee, tea, chocolate, weight control foods, and electrolyte drinks.

Thai FDA Revising Yeast and Mold Level in Foods

Since 1984, Thai Food and Drug Administration (FDA) has regulated yeast and mold in food products. Due to the no-tolerance level imposed by the Thai FDA on these contaminants, disputes between the Thai FDA and Thai food manufacturers and importers have arisen with the latter arguing that yeast and mold free food is not realistic as there are also natural or unavoidable yeast and mold in some foods that present no health hazards for humans. In addition, the weather conditions in Thailand, humid and warm, are perfect for yeast and mold to multiply. Therefore, the Thai FDA is proposing to amend its regulations to address these concerns by revising the level of yeast and mold in some food categories taking into consideration the fact that some products, even those manufactured under ‘Good Manufacturing Practice’ guidelines, will contain certain levels of yeast and mold that don’t present a food safety risk. The revised notifications notified to the WTO are G/SPS/N/THA/191, 192, 193, 31/Rev.1, 33/Rev.1, and 34/Rev.1 on September 28-29 and target six food categories: beverages in sealed containers, coffee, tea, chocolate, weight control foods, and electrolyte drinks.

It is to note that the amended regulations are trade enhancing and will facilitate trade of U.S. agricultural products. The revision of level of yeast and mold found in foods would ease the import process for those six product groups, which are categorized under specifically-controlled and standardized food categories. To register those products with the Thai FDA, the importers require submitting the lab analysis result of yeast and mold. The exports of those six product groups from the US to Thailand valued over \$27 million in 2009.

The proposed revised level of yeast and mold required the amendment of six MOPH notifications currently defined non-tolerance level of yeast and mold in foods as follows:

- Notification of the Ministry of Public Health No. 83 B.E. 2527 (1984) Re: Chocolate dated 15th November B.E. 2527 (1984).
- Notification of the Ministry of Public Health No.121 B.E. 2532 (1989) Re: Weight Control Food dated 23rd May B.E. 2532 (1989).
- Notification of the Ministry of Public Health No. 195 B.E. 2543 (2000) Re: Electrolyte Drinks dated 19th September B.E. 2543 (2000)
- Notification of the Ministry of Public Health No. 196 B.E. 2543 (2000) Re: Tea dated 19th September 2543 (2000).
- Notification of the Ministry of Public Health No. 197 B.E. 2543 (2000) Re: Coffee dated 19th September 2543 (2000).
- Notification of the Ministry of Public Health No. 214 B.E. 2543 (2000) Re: Beverages in Sealed Container dated 19th September 2543 (2000).

The method of analysis for yeast and mold must comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method. All notifications will be come into effect as from the day following date of their publication in the Government Gazette.

The new proposed level of yeast and mold allowed to be found in foods are show in below table:

Product Category	Yeast and Mold Level Allowed to be Found in Foods	
	Before Amendment	After Amendment
1. Chocolate and its products	Free of mold for 1g of product	Less than 100 CFU/g
1. Coffee (Product definition can be found in the MOPH Notification No. 197)		
• UHT or sterilized ready to drink coffee	Free of yeast and mold	Less than 1 CFU/ml
• Other than UHT or sterilized ready to drink coffee	Free of yeast and mold	Less than 100 CFU/ml
• Ready to drink coffee in dry form dissolved as per instruction on the package	Free of yeast and mold	Less than 100 CFU/g
1. Weight Control Food		
• UHT or sterilized weight control food in liquid form	Free of yeast and mold	Less than 1 CFU/ml
• UHT or sterilized weight control food in concentrated, dry, and semi-solid form	Free of yeast and mold	Less than 10 CFU/g
• Other than UHT or sterilized weight control food in liquid, concentrated, dry, and semi-solid form	Free of yeast and mold	Less than 100 CFU/g
1. Electrolyte Drinks		
• UHT or sterilized electrolyte drinks	Free of mold	Less than 1 CFU/ml
• Other than UHT or sterilized electrolyte drinks	Free of mold	Less than 100 CFU/ml
• Electrolyte drink in dry form dissolved as per instruction on the package	Free of mold	Less than 100 CFU/g
1. Beverages in Sealed Container		
• Water with dissolved Carbon dioxide or oxygen	Free of yeast and mold	Less than 1 CFU/ml
• UHT or sterilized beverages, which is containing or made from fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen	Free of yeast and mold	Less than 1 CFU/ml
• UHT or sterilized beverages, which is containing or made from other ingredients, except fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen		
• Other than UHT or sterilized beverages, which is containing or made from fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen	Free of yeast and mold	Less than 100 CFU/ml
• Other than UHT or sterilized beverages, which is containing or made from other ingredients, except fruits, plants, or vegetables, and may also contain		

dissolved carbon dioxide or oxygen		
Beverages in concentrated form and needs to be diluted before consumption: <ul style="list-style-type: none"> • UHT or sterilized beverages, which is containing or made from fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen • UHT or sterilized beverages, which is containing or made from other ingredients, except fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen 	Free of yeast and mold	Less than 10 CFU/g
Beverages in concentrated form and needs to be diluted before consumption: <ul style="list-style-type: none"> • Other than UHT or sterilized beverages, which is containing or made from fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen • Other than UHT or sterilized beverages, which is containing or made from other ingredients, except fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen 	Free of yeast and mold	Less than 100 CFU/g
Beverages in dry form: <ul style="list-style-type: none"> • Beverages, which is containing or made from fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen • Beverages, which is containing or made from other ingredients, except fruits, plants, or vegetables, and may also contain dissolved carbon dioxide or oxygen 	Free of yeast and mold	Less than 100 CFU/g
1. Tea		
UHT or sterilized ready to drink tea	Free of yeast and mold	Less than 1 CFU/ml
Other than UHT or sterilized ready to drink tea	Free of yeast and mold	Less than 100 CFU/ml
Ready to drink tea in dry form dissolved as per instruction on the package	Free of yeast and mold	Less than 100 CFU/g

APPENDIX: Draft MOPH Notifications on the Revised of Yeast and Mold Level Allowed to be

Found in Foods

Notification of the Ministry of Public Health Re: Beverages in Sealed Container (No. 4) (WTO G/SPS/N/THA/31/Rev.1)

(Draft)

Notification of the Ministry of Public Health
Re: Beverages in Sealed Container (No. 4)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Beverages in Sealed Container to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(2) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 4(8) of the Notification of the Ministry of Public Health (No. 214) B.E. 2543 (2000) Re: Beverages in Sealed Container dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(8) Yeast and mold shall be found as follows:

(8.1) Less than 1 CFU/ml for beverages as stipulated in Clause 3(1)

(8.2) Less than 1 CFU/ml for UHT or sterilized beverages as stipulated in Clause 3(2) and 3(3)

(8.3) Less than 100 CFU/ml for beverages, other than UHT or sterilized beverages as stipulated in Clause 3(2) and 3(3)

(8.4) Less than 10 CFU/g for UHT or sterilized beverages as stipulated in Clause 3(4)

(8.5) Less than 100 CFU/g for beverages, other than UHT or sterilized beverages as stipulated in Clause 3(4)

(8.6) Less than 100 CFU/g for beverages as stipulated in Clause 3(5)

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on

Notification of the Ministry of Public Health Re: Tea (No. 3) (WTO G/SPS/N/THA/33/Rev.1)

(Draft)

Notification of the Ministry of Public Health
Re: Tea (No. 3)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Tea to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(3) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 6(8) of the Notification of the Ministry of Public Health (No. 196) B.E. 2543 (2000) Re: Tea dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(8) Yeast and mold shall be found as follows:

(8.1) Less than 1 CFU/ml for UHT or sterilized tea as stipulated in Clause 3(3)

(8.2) Less than 100 CFU/ml for tea, other than UHT or sterilized tea as stipulated in Clause 3(3)

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. The provision in Clause 7(2) of the Notification of the Ministry of Public Health (No. 196) B.E. 2543 (2000) Re: Tea dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(2) When dissolved according to the instruction provided on the label, shall be of the quantities or standards as stipulated in clause 6(1)(2)(3)(4)(5)(6)(7)(9)(10)(11) and (12).”

Clause 3. The following provision shall be added to be Clause 7(3) of the Ministry of Public Health (No. 196) B.E. 2543 (2000) Re: Tea dated 19th September B.E. 2543 (2000)

“(3) Yeast and mold shall be found in less than 100 CFU/g for tea

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 4. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on

Notification of the Ministry of Public Health Re: Coffee (No. 3) (WTO G/SPS/N/THA/34/Rev.1)

(Draft)

Notification of the Ministry of Public Health
Re: Coffee (No. 3)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Coffee to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(3) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 10(7) of the Notification of the Ministry of Public Health (No. 197) B.E. 2543 (2000) Re: Coffee dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(7) Yeast and mold shall be found as follows:

(7.1) Less than 1 CFU/ml for UHT or sterilized coffee as stipulated in the second paragraph of Clause 3

(7.2) Less than 100 CFU/ml for coffee, other than UHT or sterilized coffee, as stipulated in the second paragraph of Clause 3

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. The provision in Clause 11(2) of the Notification of the Ministry of Public Health (No. 197) B.E. 2543 (2000) Re: Coffee dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(2) Coffee, when dissolved according to the instruction provided on the label, shall be of the quantities or standards as stipulated in clause 10(1)(2)(3)(4)(5)(6)(8) and (9).”

Clause 3. The following provision shall be added to be Clause 11(3) of the Ministry of Public Health (No. 197) B.E. 2543 (2000) Re: Coffee dated 19th September B.E. 2543 (2000)

“(3) Yeast and mold shall be found in less than 100 CFU/g

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 4. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on

Notification of the Ministry of Public Health Re: Chocolate (No. 2) (WTO G/SPS/N/THA/191)

(Draft)

Notification of the Ministry of Public Health
Re: Chocolate (No. 2)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Chocolate to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(3) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 3(4) of the Notification of the Ministry of Public Health (No. 83) B.E. 2527 (1984) Re: Chocolate dated 15th November B.E. 2527 (1984) shall be repealed and replaced with the following provision.

“(4) Yeast and mold shall be found in less than 100 CFU/g for chocolate.

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on

Notification of the Ministry of Public Health Re: Electrolyte Drinks (No. 2) (WTO G/SPS/N/THA/192)

(Draft)

Notification of the Ministry of Public Health
Re: Electrolyte Drinks (No. 2)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Electrolyte Drinks to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(3) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 4(5)(e) of the Notification of the Ministry of Public Health (No. 195) B.E. 2543 (2000) Re: Electrolyte Drinks dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“(e) Yeast and mold shall be found as follows:

(1) Less than 1 CFU/ml for UHT or sterilized electrolyte drinks

(2) Less than 100 CFU/ml for electrolyte drinks other than UHT or sterilized electrolyte

drinks

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. The provision in the second paragraph of Clause 4 of the Notification of the Ministry of Public Health (No. 195) B.E. 2543 (2000) Re: Electrolyte Drinks dated 19th September B.E. 2543 (2000) shall be repealed and replaced with the following provision.

“Moisture content of the electrolyte drinks in dry form shall not be more than 5 percent by weight and yeast and mold shall be found in less than 100 CFU/g. When it is dissolved according to the instruction on the label, the solution shall be of qualities or standards as stipulated in Clause 4(1)(2)(3)(4)(5)(a)(b)(c)(d)(6)(7)(8)(9).”

Clause 4. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on

Notification of the Ministry of Public Health Re: Weight Control Food (No. 2) (WTO G/SPS/N/THA/193)

(Draft)

Notification of the Ministry of Public Health
Re: Weight Control Food (No. 2)

It deems appropriate to amend the notification of the Ministry of Public Health Re: Coffee to establish the appropriate level of yeast and mold.

By the virtue of provisions of Sections 5 and 6(3) and (9) of the Food Act B.E. 2522 (1979), in which contain provisions in relation to the restriction of Rights and Liberties of the persons, in respect of which Section 29 and in comprise with Section 33, Section 41, Section 43, and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of provisions of law; the Minister of Public Health hereby issues a notification as follows:

Clause 1. The provision in Clause 3(4) of the Notification of the Ministry of Public Health (No. 121) B.E. 2532 (1989) Re: Weight Control Food dated 23rd May B.E. 2532 (1989) shall be repealed and replaced with the following provision.

“(4) Yeast and mold shall be found as follows:

(4.1) Less than 1 CFU/ml for UHT or sterilized weight control food in liquid form

(4.2) Less than 10 CFU/g for UHT or sterilized weight control food in concentrated form, dry form, and semi-solid form.

(4.3) Less than 100 CFU/g for weight control food, other than UHT or sterilized, in liquid, concentrated, dry, and semi-solid form.

The method of analysis for yeast and mold shall comply with the Bacteriological Analytical Manual (BAM) Online, U.S. Food and Drug Administration (updated version) or equivalent method.”

Clause 2. This notification shall come into force as from the day following date of its publication in the Government Gazette.

Notified on